



THE CITY OF SAN DIEGO
MAYOR JERRY SANDERS

MEMORANDUM

DATE: October 8, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Scott Kessler, Economic Development Deputy Director

SUBJECT: Continued Item 330 from September 11, 2007 City Council Meeting – Proposed locations for FY 2008 Homeless Emergency Winter Shelter Program – Single Adults

On September 11, 2007, City Council was presented with three options for the location of the FY 2008 Homeless Emergency Winter Shelter Program's Single Adult Program: the Ex-Navy Hospital lower parking lot (at Balboa Park), Enterprise Street between Jessop Lane and Midway Boulevard (Pt. Loma), and 16th Street at Newton Avenue (Downtown San Diego). City Council voted at the September 11th meeting to continue the item until October 16, 2007 with direction to the City Attorney's Office to review any applicable state laws that may prohibit the City from siting the Homeless Emergency Winter Shelter Single Adult Program due to registered sexual offenders or other issues. During discussion at the City Council meeting, the Council requested that Homeless Services pursue any additional locations that may be available.

After the September 11th City Council meeting, City staff once again reached out to City departments and identified eleven (11) additional potential locations with assistance from CCDC. Homeless Services quickly reviewed these sites for the minimum requirements. Of the eleven (11) sites, nine (9) sites were eliminated mostly due to the minimum size required for the sprung tent structure. The following two (2) sites were identified as possible locations for the site: Tailgate Park - K Street/12th Avenue/13th Street/ 14th Street/Imperial Avenue (Downtown San Diego) and the vacant city lot bounded by G Street/Market Street /11th Avenue/Park Boulevard (Downtown San Diego).

The following minimum requirements were used to evaluate potential sites for the location of the Single Adult Program's homeless shelter sprung structure:

- The footprint of the single adults' shelter sprung structure is 60' x 180'. For purposes of conducting shelter operations, a minimum area of 65' (width) x 500' (length), or larger

- of paved, flat, relatively level space to accommodate the needed infrastructure for sanitation (showers, toilets and washing areas), food service and medical support;
- Proximity (easy walking distance) to public transportation or mass transit;
- Availability of electrical and water hookups;
- Near "core City area"; and
- Minimal disruption to the surrounding area.

The following site locations were continued from the September 11, 2007 City Council meeting:

- 1) Ex-Navy Hospital lower parking lot (at Balboa Park),
- 2) Enterprise Street between Jessop Lane and Midway Boulevard (Pt. Loma)
- 3) 16th Street at Newton Avenue (Downtown San Diego)

The following sites were identified to be physically suitable for siting the single adult shelter structure:

LOCATION

Tailgate Park - K Street/
12th Avenue/13th Street/
14th Street/Imperial Avenue

SUITABILITY

CCDC property leased to the San Diego Padres. The usable space is 250' x 450'. HEWSP HESWP would take approximately 1/6 of the parking lot. Potential loss of revenue for the City regarding the Rugby Sevens Tournament Held at Petco Park (February 9 and 10, 2008) With Tailgate Park used for the event parking.

Vacant city lot bounded by
G Street/Market Street/
11th Avenue/Park Boulevard

CCDC-owned parcel. Currently used as construction stagings and temporary parking. Both tenants could vacate after 30-day notice.

The following sites have been evaluated using the stated minimum requirements and were determined to not be physically suitable:

LOCATION

City operations lot - 20th & B Street

SUITABILITY

Portion of yard examined is located on parcel outside of Balboa Park parcel. 71' x 146' is not large enough for tent footprint.

15th Street between Island Avenue
and J Street

Street not wide enough (51' x 300') for tent footprint.

City of SD Fire Training Facility @ NTC

No viable space large enough for tent footprint. Proximity to airport, crash and distance from nearest public transportation corridor are also major impediments.

New Library site

Elevation and paving issues. Five Star had approached City regarding grading and paving site for temporary parking lease. Preparation of site not possible by opening date of shelter operations.

Golden Hall

There is insufficient space to locate the healthcare mobile unit and sanitation stations. There is an unknown financial impact due to the loss of revenue from eliminating the forty (40) events scheduled at Golden Hall during the period of shelter operations, not including the meeting rooms.

Parking lot between 13th/14th Street and Market Street/G Street

Privately-owned; site control not viable.

For the two additional sites that were noted as being physically suitable for the single adult shelter's sprung structure and corresponding services, a collaboration of Homeless Services staff, Real Estate Assets Department (READ) staff, and Centre City Development Corporation (CCDC) staff did site evaluations to determine infrastructure capacity. READ's evaluation is seen in *Attachment 2*. CCDC's information is seen in *Attachment 3*.

Site Features	Tailgate Park – K Street/12 th Avenue/ 13 th Street/14 th Street/ Imperial Avenue	Vacant City Lot Bounded by G Street/Market Street/ 11 th Avenue/ Park Boulevard
Shelter i.e. tent structure	Yes	Yes
Dinner delivery	Yes	Yes
Emergency vehicle access	Yes	Yes
Showers, restrooms, etc.	Yes	Yes
Onsite health screenings	Yes	Yes
Onsite crisis intervention	Yes	Yes
Onsite health case mgmt.	Yes	Yes
Onsite healthcare follow-up	Yes	Yes
Proximity to existing County and other Social Services	Excellent	Excellent
Access to lunch meal	Yes	Yes
Proximity to community clinics	Excellent	Excellent
Access for people with limited mobility	1 block from public transportation to program site	1 block from public transportation to program site
Infrastructure Evaluation	Water and electrical connections available	Water and electrical connections available
Drainage during rain	Adequate	Adequate
Conflict with community events	None	Rugby Sevens Tournament will be held February 9-10, 2008 with Tailgate Park to be used for the event parking.

Community Impact	<ul style="list-style-type: none"> • Proximity to residential projects • Proximity to businesses • Proximity to Ballpark 	<ul style="list-style-type: none"> • Proximity to residential projects • Proximity to businesses • Proximity to Ballpark
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The two additional alternative sites will be presented to City Council on October 16, 2007 along with the original three options for the location of the FY 2008 Homeless Emergency Winter Shelter Program's Single Adult Program that was presented on September 11, 2007. In addition, please note that to date we have not received a response from the City Attorney's Officer regarding the legal questions Councilmember Hueso posed to the City Attorney's Office so that issue has not been addressed in this memo. However, to meet the spirit of Councilmember Hueso's request we have noted a 2,000 foot distance from the center of the five potential site locations to show where the schools, parks and community clinics fall with respect to the 2,000 foot distance.

Planning staff prepared GIS maps of the five (5) alternative sites being presented to City Council on October 16, 2007 and the nine (9) sites identified as not being physically suitable (*Attachment I*). Included in the individual maps of the proposed alternative sites are locations of schools, parks, child care services, and community clinics that are within 5,000 feet.

The following is additional background information received to date regarding the potential site locations for the single adult program:

- 1) **Ex-Navy Hospital lower parking lot (Balboa Park)**
 - a. In addition, the City Attorney issued a memo on September 7, 2007 (*Attachment 4*) that stated a homeless shelter crisis "does not rise to the level of an emergency warranting the use of dedicated park land for a temporary homeless shelter pursuant to an emergency ordinance under Charter Section 17".
- 2) **16th Street at Newton Avenue (Downtown San Diego)**
 - a. The City Council and the Mayor's Office received a letter from Barrio Station, Rachael Ortiz regarding their opposition to the Homeless Emergency Winter Shelter Single Adult Program being placed in Barrio Logan, see *Attachment 5*.
- 3) **Enterprise Street between Jessop Lane and Midway Boulevard (Pt. Loma)**
 - a. It should be noted that the Commanding Officer of Naval Station Point Loma, Captain Mark D. Patton, presented the attached letter (*Attachment 6*) to the City that stated the Navy may cancel the conditional MOU with the City of San Diego, of a Single Adult Shelter site is approved for the Enterprise Street location. The MOU provides approval to utilize the site for the Veterans Shelter Program. Enterprise Street between Jessop Lane and Midway Boulevard (Pt. Loma)
- 4) **Tailgate Park - K Street/12th Avenue/13th Street/ 14th Street/Imperial Avenue (Downtown San Diego)**
 - a. The Redevelopment Agency of the City of San Diego (CCDC) is the owner of Tailgate Park and has a 30 year lease agreement with the Padres L.P. for the use Tailgate Park. The terms of their lease state that on "event days" meaning (i) any

day on which any Major League Baseball sponsored exhibition, regular season or post-season game or any Major League Baseball All-Star game is played in the San Diego Padres Ballpark in downtown San Diego, California ("Ballpark"), and (ii) up to ten (10) additional days during each calendar year, designated by Lessee ("Padres' Event"). On Event Days, the Leased Premises shall be used only and exclusively for Public Parking and for parking of employees and invitees of Padres L.P. See *Attachment 7*, the two pages referenced above from the Padres lease agreement.

- b. CCDC has already approved the Rugby Sevens Tournament as one of the "Event Days" for the Padres, which will be held on February 9th and 10th, 2008. The Rugby event is a five year contract which was signed last year by the event coordinator of the Rugby Sevens Tournament and the Padres for the use of Petco park during this time period in accordance with their lease for Tailgate Park.
- c. If this site were to be selected for the shelter then there would be an unknown loss of revenue for the City from the Rugby Sevens Tournament. The NET amount that the City received from this 70/30 event split from last year's Rugby Sevens Tournament was approximately \$350,000. City staff estimates that the NET amount to the City on this event for February 2008 to be \$500,000. PETCO Park's 2008 Fiscal Budget Special Events revenue is \$700,000 and this event will raise an estimated \$500,000 of the \$700,000. Staff estimates that due to the limited parking available directly adjacent to PETCO, all of the parking spaces would be used for this event if they were available.
- d. The 30th Anniversary of Balboa Park December Nights will take place December 7 and 8, 2007. The 2006 event attracted more than 300,000 attendees. In addition to the traditional free event shuttles from City College and the County Administrative Building, event organizers have made plans to add a new free shuttle from Petco Park; utilizing the parking facilities and trolley station that support the ballpark facility. The additional shuttle is critical to addressing traffic jams that spanned the freeway system from San Ysidro to Univesity City during the 2006 event. The current proposal for December Nights is to use all three parking lots and to promote arrival via trolley to shuttle as many as 20,000 people. Placement of the shelter at that location would reduce number of available parking spaces and might impact the number of people who choose to go to that location overall.

5) Vacant city lot bounded by G Street/Market/11th Avenue/Park Blvd. (Downtown San Diego)

- a. The Redevelopment Agency has a block bounded by G Street, Market 11th Avenue and Park Blvd. A portion of the block is being used by CCDC's contractor on the Park to Bay project as a construction yard. The job will be finished in another month and the contractor will be leaving the site. Also located on the northeast corner of the block is an historic house, it takes up about 7,000 sq ft of the block. In addition, the site is being used as a temporary parking lot. CCDC has informed staff that both tenants can vacate with a 30 days notice.

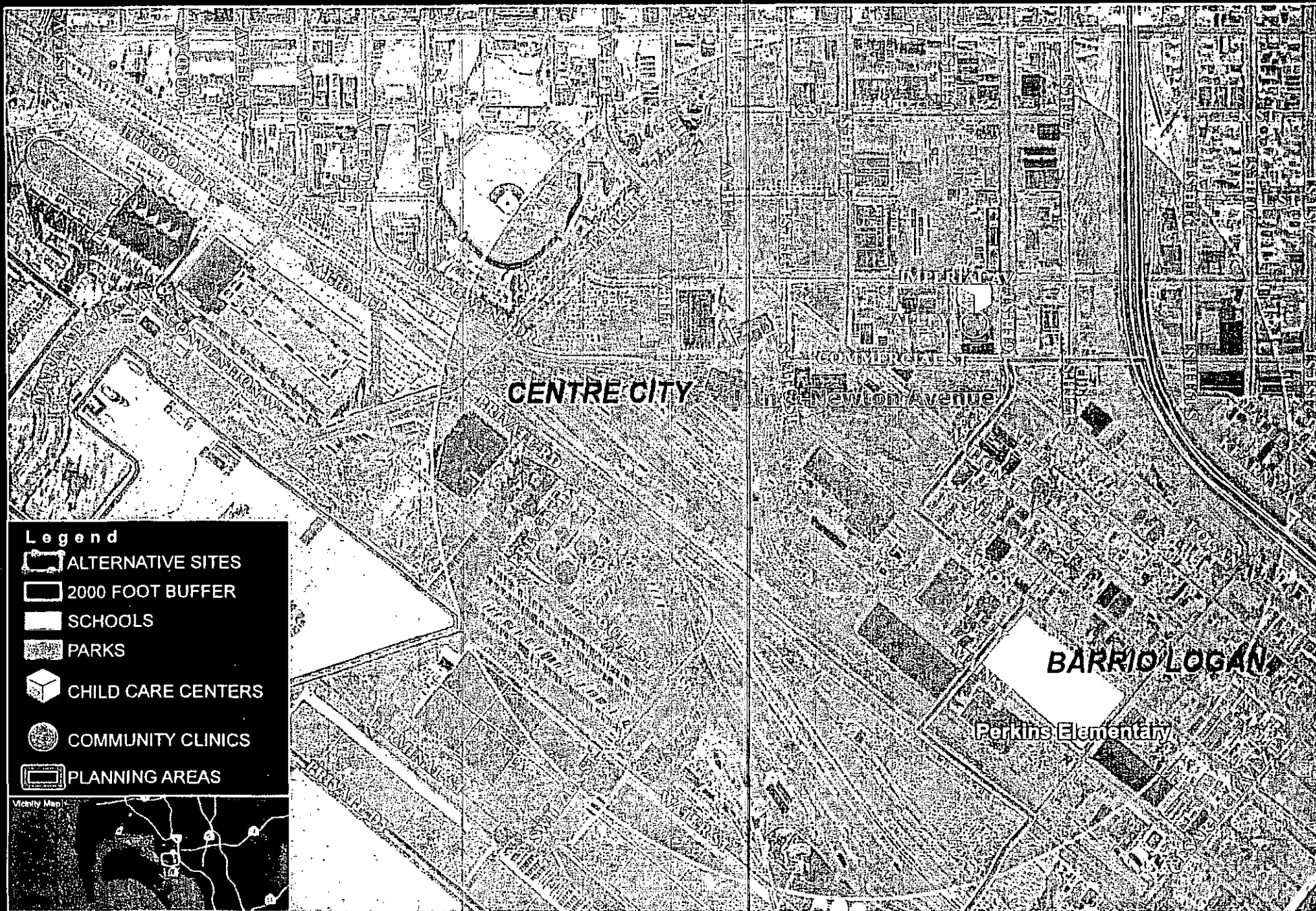


Scott Kessler

Economic Development Deputy Director

- Attachments:
- (1) City Staff created GIS Maps of the Physically Suitable Sites and Not Physically Suitable Sites
 - (2) Memo from Real Estate Assets on Sites Reviewed for Winter Homeless Shelter Location dated October 9, 2007
 - (3) Tailgate Park Information from CCDC via e-mail dated October 4, 2007
 - (4) Memo from City Attorney dated September 7, 2007
 - (5) Letter from Barrio Station's Executive Director Rachael Ortiz dated August 28, 2007
 - (6) Letter from Commanding Officer of Naval Base Point Loma, Captain Mark D. Patton, dated September 18, 2007
 - (7) Two pages from the Lease Agreement of the Redevelopment Agency of the City of San Diego and Padres L.P.

cc: William Anderson, Deputy Chief, Land Use and Economic Development
Sharon Johnson, Homeless Services Coordinator





Legend

- ALTERNATIVE SITES
- 2000 FOOT BUFFER
- SCHOOLS
- PARKS
- CHILD CARE CENTERS
- COMMUNITY CLINICS
- PLANNING AREAS



Alternative Winter Homeless Shelter Sites G St./ Market St./ 11th Ave./ Park Bl.

Aerial Photo Date: Nov. 2006

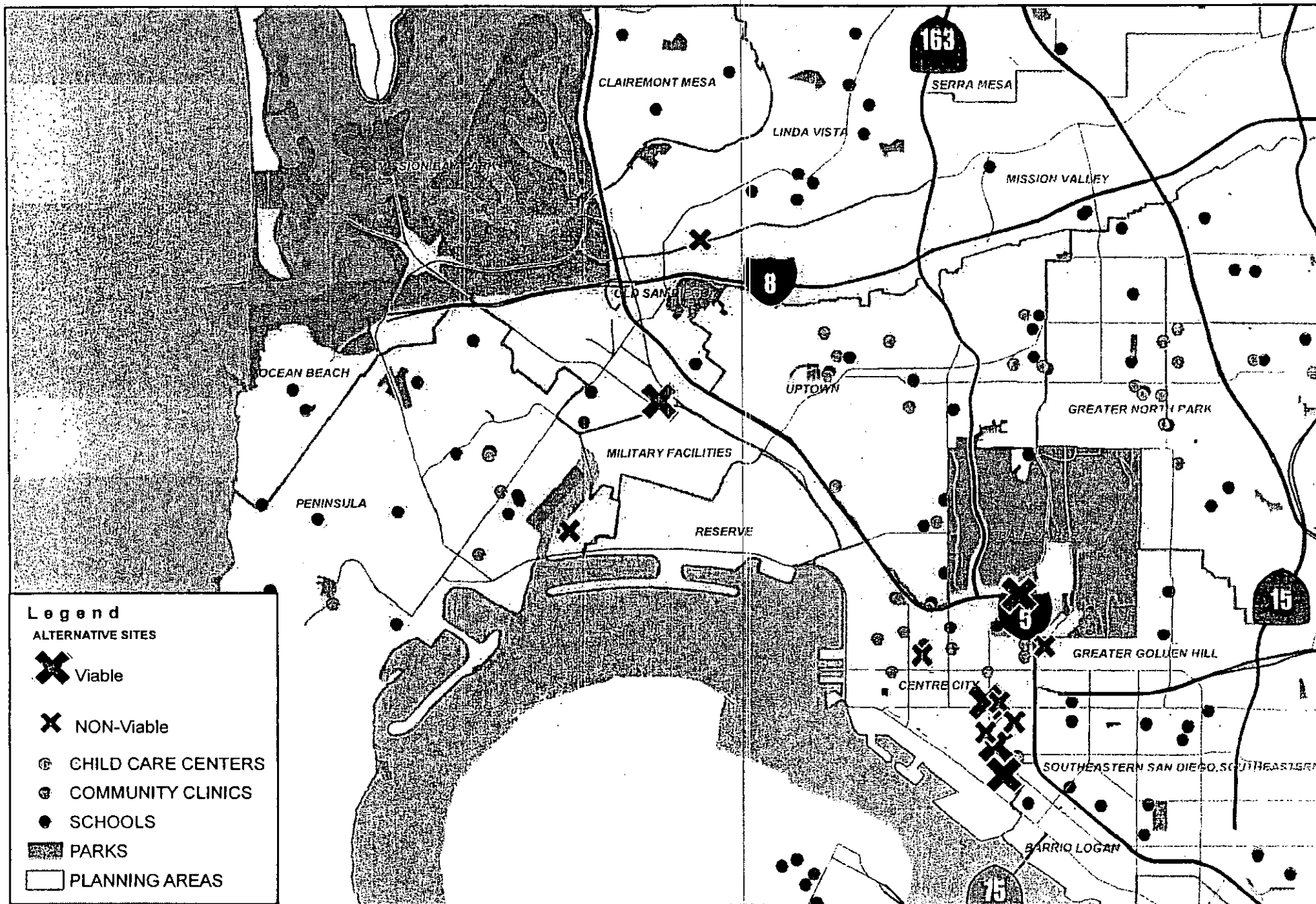


Saigis

PERMITS & PLANNING
CITY OF SAN DIEGO

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THE CITY OF SAN DIEGO

DRAFT

Alternative Winter Homeless Shelter Sites



SanGIS

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GIS MAPPING DATA - SCHOOLS

GIS MAPPING DATA - October 9, 2007

<u>Alternative Site Name</u>	<u>DISTANCE TO School (Feet)</u>	<u>School Name</u>
Tailgate Park	3621.8	Our Lady's School
Tailgate Park	4319.2	Garfield High
Tailgate Park	3523.0	King/Chavez Charter
Tailgate Park	2749.4	Perkins Elementary
Tailgate Park	3304.9	Sherman Elementary
Tailgate Park	4938.6	San Diego Senior High
G St./ Market St./ 11th Ave./ Park Bl.	4739.7	City Tree Christian
G St./ Market St./ 11th Ave./ Park Bl.	3517.1	Cortez Hill Academy
G St./ Market St./ 11th Ave./ Park Bl.	3556.6	Our Lady's School
G St./ Market St./ 11th Ave./ Park Bl.	2894.6	Garfield High
G St./ Market St./ 11th Ave./ Park Bl.	4907.1	King/Chavez Charter
G St./ Market St./ 11th Ave./ Park Bl.	4491.6	Perkins Elementary
G St./ Market St./ 11th Ave./ Park Bl.	3632.6	Sherman Elementary
G St./ Market St./ 11th Ave./ Park Bl.	3231.9	San Diego Senior High
G St./ Market St./ 11th Ave./ Park Bl.	3453.1	KIPP Adelante Preparatory Academy
Ex-Navy Hospital Parking Lot	3642.0	City Tree Christian
Ex-Navy Hospital Parking Lot	4470.3	Cortez Hill Academy
Ex-Navy Hospital Parking Lot	4950.3	Our Lady's School
Ex-Navy Hospital Parking Lot	2093.5	Garfield High
Ex-Navy Hospital Parking Lot	1589.7	San Diego Senior High
Ex-Navy Hospital Parking Lot	3151.3	KIPP Adelante Preparatory Academy
Ex-Navy Hospital Parking Lot	4875.5	Museum
Ex-Navy Hospital Parking Lot	3216.3	Balboa City
Enterprise Street	3244.0	St. Charles Borromeo Academy
Enterprise Street	2181.2	Creative, Performing, and Media Arts
Enterprise Street	2869.8	Dewey Elementary
16th & Newton Avenue	4123.8	Our Lady's School
16th & Newton Avenue	4205.6	Burbank Elementary
16th & Newton Avenue	2766.2	King/Chavez Charter
16th & Newton Avenue	1527.2	Perkins Elementary
16th & Newton Avenue	3585.4	Sherman Elementary

Parks

Alternative Site Name	DISTANCE TO Parks (Feet)	Park Name
Tailgate Park	2014.2	MARINA LINEAR NEIGHBORHOOD PARK
Tailgate Park	2678.4	DAVIS HOUSE MINI-PARK 583
G St./ Market St./ 11th Ave./ Park Bl.	2043.6	DAVIS HOUSE MINI-PARK 583
G St./ Market St./ 11th Ave./ Park Bl.	2446.2	HORTON PLAZA PARK
G St./ Market St./ 11th Ave./ Park Bl.	2405.3	MARINA LINEAR NEIGHBORHOOD PARK
G St./ Market St./ 11th Ave./ Park Bl.	3445.8	BALBOA PARK
Ex-Navy Hospital Parking Lot	0.1	BALBOA PARK
Enterprise Street	726.5	BARNETT/PACIFIC NIEGHBORHOOD PARK
16th & Newton Avenue	2553.6	MARINA LINEAR NEIGHBORHOOD PARK
16th & Newton Avenue	2598.1	CHICANO PARK

Alternative Site Name	DISTANCE TO Child Care Center (Feet)	Child Care Center Name
Tailgate Park	999.1	ST VINCENT DE PAUL CHILDRENS PROGRAM
Tailgate Park	4367.7	KIDDIE HALL CHILD CARE CENTER
Tailgate Park	4290.1	CAL-SAFE GARFIELD HIGH INFANT PRG
Tailgate Park	3832.7	HEAD START CITY COLLEGE
Tailgate Park	3832.7	SAN DIEGO CITY COLLEGE CHILD DEVELOPMENT CENTER
G St./ Market St./ 11th Ave./ Park Bl.	2547.9	ST VINCENT DE PAUL CHILDRENS PROGRAM
G St./ Market St./ 11th Ave./ Park Bl.	4100.4	BRIGHT HORIZONS - SAN DIEGO
G St./ Market St./ 11th Ave./ Park Bl.	2640.7	KIDDIE HALL CHILD CARE CENTER
G St./ Market St./ 11th Ave./ Park Bl.	2869.7	CAL-SAFE GARFIELD HIGH INFANT PRG
G St./ Market St./ 11th Ave./ Park Bl.	2486.2	HEAD START CITY COLLEGE
G St./ Market St./ 11th Ave./ Park Bl.	2486.2	SAN DIEGO CITY COLLEGE CHILD DEVELOPMENT CENTER
G St./ Market St./ 11th Ave./ Park Bl.	4499.1	CAL-SAFE LINDSAY SUMMIT INFANT TODDLER CENTER
G St./ Market St./ 11th Ave./ Park Bl.	4630.0	CITY TREE CHRISTIAN SCHOOL
Ex-Navy Hospital Parking Lot	3585.2	KIDDIE HALL CHILD CARE CENTER
Ex-Navy Hospital Parking Lot	2124.1	CAL-SAFE GARFIELD HIGH INFANT PRG
Ex-Navy Hospital Parking Lot	2599.9	HEAD START CITY COLLEGE
Ex-Navy Hospital Parking Lot	2599.9	SAN DIEGO CITY COLLEGE CHILD DEVELOPMENT CENTER
Ex-Navy Hospital Parking Lot	3738.9	CITY TREE CHRISTIAN SCHOOL
Ex-Navy Hospital Parking Lot	4539.1	ST PAULS COMMUNITY CARE CENTER - MAPLE
16th & Newton Avenue	952.5	ST VINCENT DE PAUL CHILDRENS PROGRAM
16th & Newton Avenue	4954.8	HEAD START CITY COLLEGE
16th & Newton Avenue	4954.8	SAN DIEGO CITY COLLEGE CHILD DEVELOPMENT CENTER

Alternative Site Name	DISTANCE TO Community Care Clinic (Feet)	Community Care Clinic Name
Tailgate Park	1064.7	St. Vincent De Paul
Tailgate Park	3021.1	Family Health Center of San Diego
G St./ Market St./ 11th Ave./ Park Bl.	2663.0	St. Vincent De Paul
G St./ Market St./ 11th Ave./ Park Bl.	1267.1	Family Health Center of San Diego
Ex-Navy Hospital Parking Lot	3481.0	Family Health Center of San Diego
16th & Newton Avenue	843.8	St. Vincent De Paul
16th & Newton Avenue	4297.4	Family Health Center of San Diego



THE CITY OF SAN DIEGO
MAYOR JERRY SANDERS

MEMORANDUM

DATE: October 9, 2007
TO: Honorable Mayor and Members of the City Council
FROM: Gary Jones, Asset Manager, Real Estate Assets Department
SUBJECT: Additional Sites Reviewed for Winter Homeless Shelter

The two additional sites described below have been evaluated using the following minimum requirements provided to READ:

- A minimum area of 65' x 500' of paved, flat, relatively level space to accommodate showers, toilets, washing areas, food service and medical support;
- Proximity (easy walking distance) to public transportation or mass transit (bus, trolley, shuttle);
- Availability of electrical and water hook-ups;
- Near "core City area";
- Minimal disruption to the surrounding area;

After visiting the sites, GIS software and SanGIS data were used to create aerials of the potential sites, determine size of lots, distance to trolley service, and ownership of the properties.

Additional Site 1 11th Avenue Lot

Additional Site 2 Tailgate Park

Page 2

Honorable Mayor and Members of the City Council

October 9, 2007

The attachments provide further details for each site along with photographs and an aerial map. If you have any questions regarding the sites reviewed, please contact Bert Gaudio, Property Agent, at 236-6063.



Gary Jones

Asset Manager, Real Estate Assets Department

GJ/kj

Attachments: Backup Information

cc: David Sandoval, Deputy Director, Real Estate Assets
Sharon Johnson, Homeless Coordinator



LOT AT 11TH AND MARKET

APPROXIMATE SIZE: Rectangular, approximately 1.4 acres

MILES TO TROLLEY: Trolley station is across the street.

UTILITIES: GAS Yes
 ELECTRIC Yes
 WATER Yes

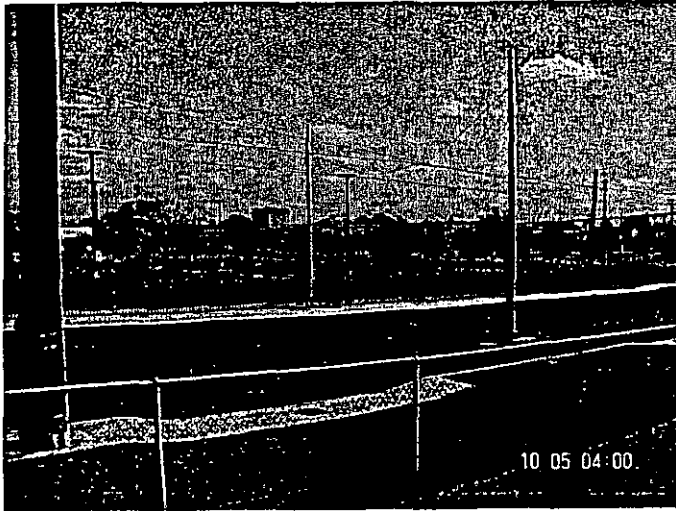
FENCE? Currently fenced.

FLAT? Yes

PAVED? Yes

AREA? East Village

NOTES / OBSERVATIONS: Owned by City of San Diego Redevelopment Agency.
 Currently used for a construction staging yard and parking.



TAILGATE PARK

APPROXIMATE SIZE: Rectangular, approximately 7.4 acres

MILES TO TROLLEY: Trolley station is across the street.

UTILITIES: GAS Not known
ELECTRIC Yes
WATER Not known

FLAT? Yes

PAVED? Yes

AREA? East Village

NOTES / OBSERVATIONS: Owned by City of San Diego Redevelopment Agency.
Leased to San Diego Padres.

>>> Abby Jarl 10/4/2007 10:19 AM >>>
FYI

Abby Jarl
Policy Advisor
Office of the Mayor
City of San Diego
202 C Street, MS 11A
San Diego, CA 92101
(619) 236-7259 office
(619) 236-7228 fax
ajarl@sandiego.gov

>>> "David Allsbrook" <allsbrook@ccdc.com> 10/4/2007 10:01 AM >>>
Good Morning Abby: Here's the information on Tailgate Park. The site could work but would require obtaining permission from the Padres, our leasee. I would anticipate the East Village community would have concerns and if this becomes the site, strict enforcement of all rules would be required.

The Redevelopment Agency has a second site, the block bounded by G Street, Market 11th Avenue and Park Blvd. A portion of the block is being used by our contractor on the Park to Bay project as a construction yard. The job will be finished in another month and the contractor will be leaving the site. Also located on the northeast corner of the block is an historic house, it takes up about 7,000 sq ft of the block. The balance of the block is being used as surface parking and ~~the operator is under contract to the Redevelopment Agency and can be cancelled upon thirty~~ days notice. There is water and power to the block. Like Tailgate Park, the East Village Community will have concerns about placement of the shelter in the middle of their community. Also there are new residential projects immediately adjacent to the block and I'm sure the residents will have a great deal of concern. The Redevelopment Agency owns several other sites but the size configurations you gave me would not work for these sites. If the two sites described here warrant further investigation, I would be happy to provide more detailed information and assistance on the project. David

From: Susan Diekman
Sent: Tuesday, October 02, 2007 3:37 PM
To: David Allsbrook
Subject: RE: Tailgate Lease

David,

There is one electric meter for TP for on-site lighting and irrigation. There are two water meters. The first water meter is "private" and the Padres pay that bill to irrigate the plants and trees in TP. The second water meter is "public" and Park and Rec pays the bill to irrigate the landscape in the public right-of-way (trees and the lawn along K and 14th Streets and Imperial Avenue).

Attached is a landscape map of and a public right-of-way map of TP. Please note there are 54 trees **within** TP that can not be cut down. The tents will have to be placed in the center aisles of the public right-of-way.

Thank you

Susan

From: David Allsbrook
Sent: Tuesday, October 02, 2007 1:30 PM
To: Susan Diekman
Subject: RE: Tailgate Lease

Susan: I plan on responding to the Mayors office tomorrow afternoon so can you get me an answer to my question by noon tomorrow, Thanks. David

From: Susan Diekman
Sent: Monday, October 01, 2007 4:44 PM
To: David Allsbrook
Subject: Tailgate Lease

David,

You asked me to review the Tailgate Park Lease between the Redevelopment Agency and the Padres regarding the possibility of utilize Tailgate Park (TP) for a winter shelter. I attached two pages of the lease that would deal with this question. Section 2 states that TP can be utilized for event days and non-event days. Under non-event days, there are three subcategories (public parking, Padres parking, and non-public parking use). Utilizing TP for a winter shelter would follow under the non-public parking uses. On page 2 of the Lease, it lists two limitations for non-public parking uses.

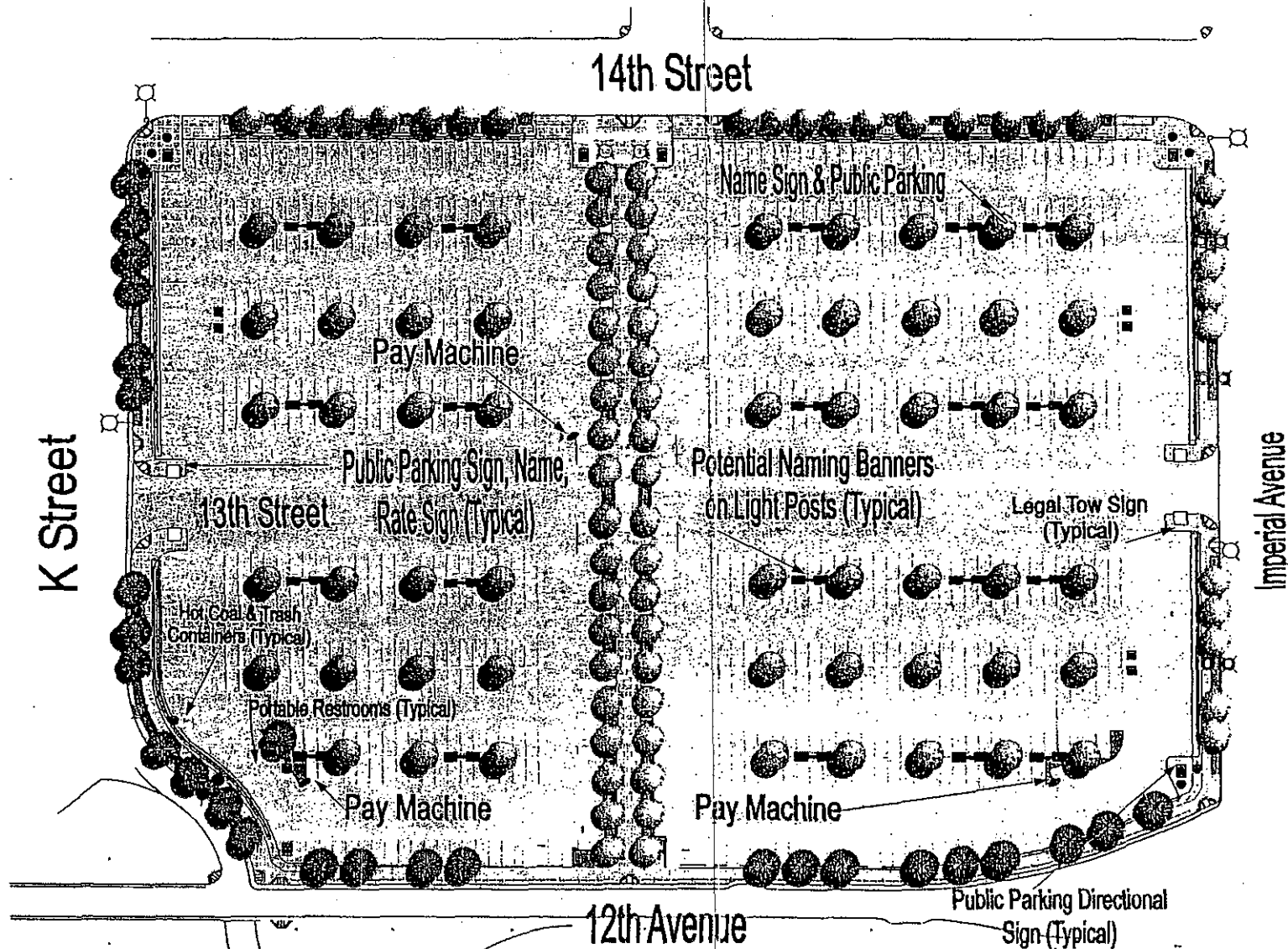
1. "Non-public parking uses shall not be permitted unless the Padres has obtained Agency's prior written consent."-Pls note that the Lease was written with the thought that the Padres would be asking permission to utilize TP for non-public parking uses, not the Agency. In this case, it is the Agency requesting to utilize TP for non-event days.

2. "Non-public parking uses shall not materially alter or damage TP".

I think a number of legal questions still needs to be vetted such as; Does the Agency need permission from the Padres to utilize TP? Type of compensate that would be paid to the Padres for lost revenue? Would a winter shelter materially alter and damage TP (I would think so)?



If you need anything else, pls advise - thank you

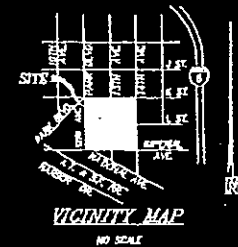
Susan Diekman
Assistant Project Manager - Contracts
& Property Management
Centre City Development Corporation
Phone - 619-533-7142
Fax - 619-236-9148
<http://www.ccdc.com>



SHEET 1 OF 1 SHEET

LEGEND

- CENTER LINE
- PROPERTY LINE
- ENCROACHMENT LINE
-  STREET ENCROACHMENT DEDICATED HEREON:
 PARCEL 14 14,022 SQ.FT. 0.321 ACRES
 PARCEL 15 21,029 SQ.FT. 0.482 ACRES
 PARCEL 16 36,443 SQ.FT. 0.833 ACRES
 PARCEL 17 11,330 SQ.FT. 0.259 ACRES
-  ROLLIS ENCROACHMENT DEDICATED HEREON:
 PARCEL 18 14,507 SQ.FT. 0.332 ACRES
 PARCEL 19 8,321 SQ.FT. 0.190 ACRES
 PARCEL 20 579 SQ.FT. 0.013 ACRES
 PARCEL 21 306 SQ.FT. 0.007 ACRES
 PARCEL 22 41 SQ.FT. 0.001 ACRES
 PARCEL 23 513 SQ.FT. 0.012 ACRES
 PARCEL 24 384 SQ.FT. 0.008 ACRES
 PARCEL 25 699 SQ.FT. 0.016 ACRES

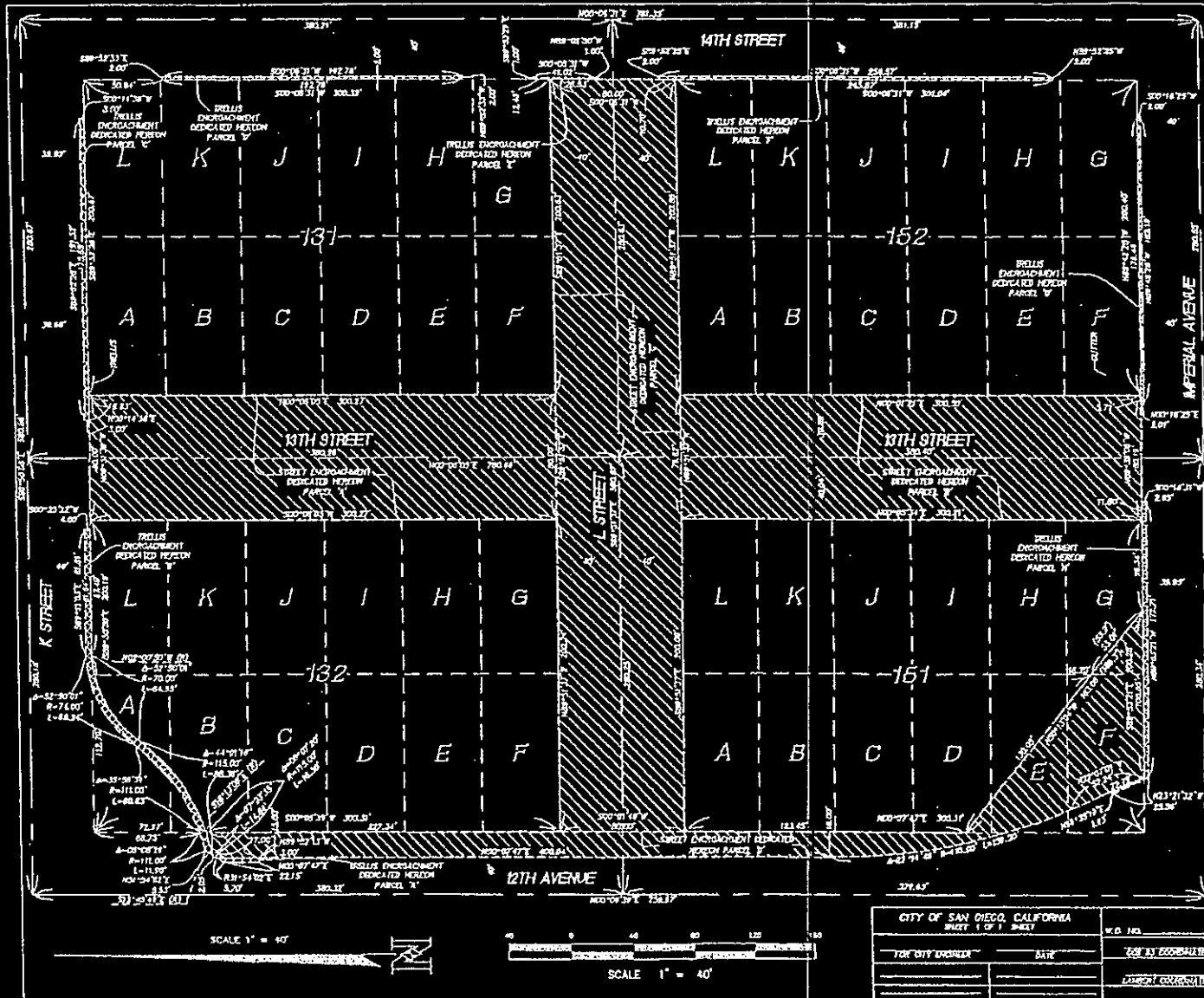


**TAILGATE PARK
ENCROACHMENT EXHIBIT
SAN DIEGO, CALIFORNIA**

NASLAND ENGINEERING

CITY ENGINEER - S. B. BROWN - LAND PLANNING
1114 Wilbur Road, San Diego, California 92111-1700-1770

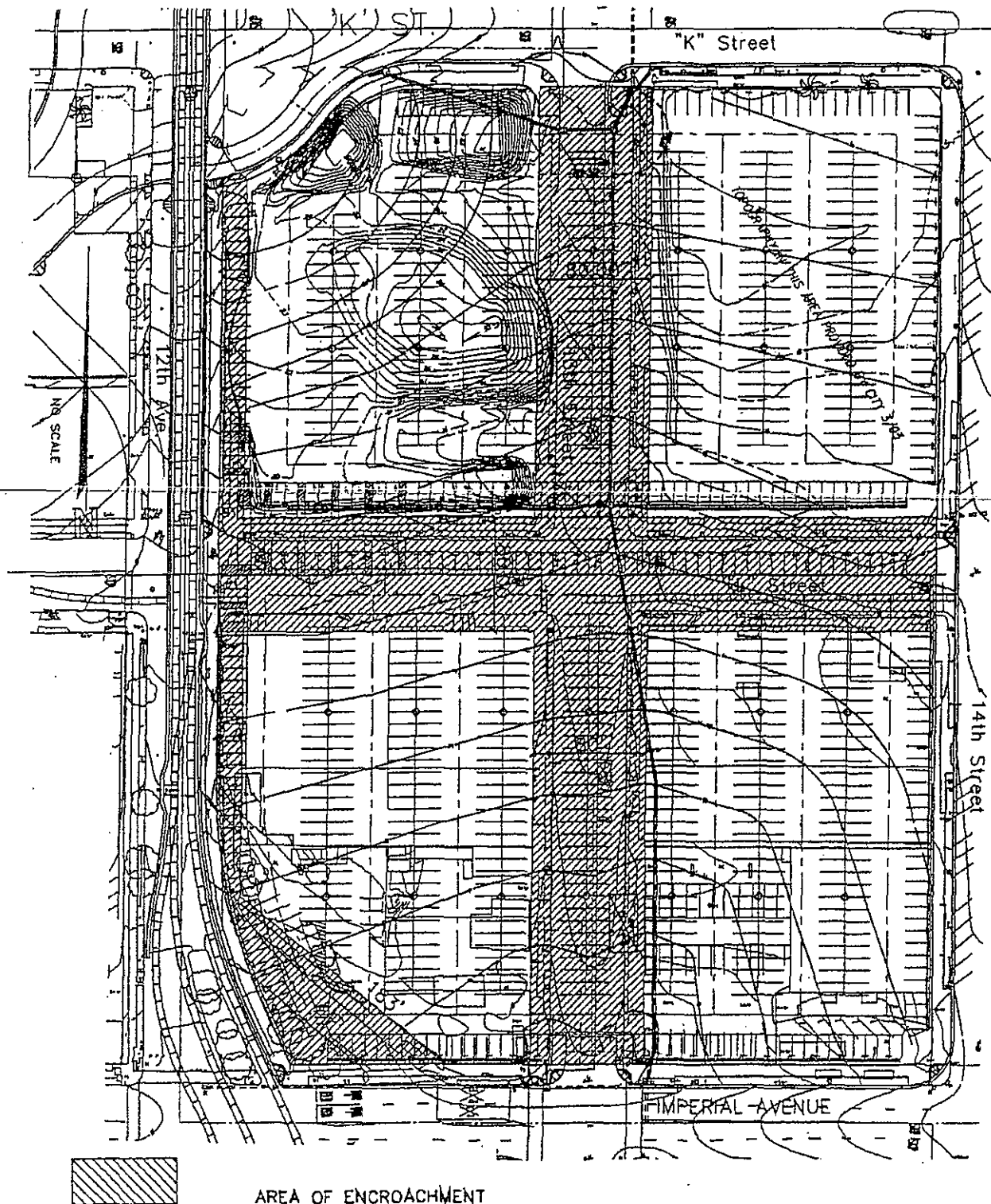
CITY OF SAN DIEGO, CALIFORNIA		W.D. NO.	
SHEET 1 OF 1 SHEET			
FOR CITY ENGINEER	DATE	FOR BY ENGINEER	
		FOR CITY ENGINEER	



SCALE 1" = 40'

SCALE 1" = 40'

ENCROACHMENT EXHIBIT



ATTACHMENT C

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 236-6220

DATE: September 7, 2007
TO: The Honorable Mayor and City Council
FROM: City Attorney
SUBJECT: Item 330: Site Location of the Single Adult Shelter
FY 2008 Homeless Emergency Winter Shelter Program

On September 11, 2007, the City Council will hear Item 330, which requests the City Council to designate a site location of the Single Adult Shelter for the FY 2008 Homeless Emergency Winter Shelter Program from the following three alternative sites: Newton Avenue at 16th Street (1535 Newton Avenue) in the East Village community; Enterprise Street between Jessop and Midway, across from the Midway Post Office, in the Point Loma community; or Park Boulevard at President's Way, in the former-Navy Hospital's lower parking lot, in Balboa Park.

Please be advised that any establishment or operation of a temporary homeless shelter (such as the Single Adult Shelter) in Balboa Park would violate Charter Section 55, unless such use was ratified by a vote of two-thirds of the electorate, or, pursuant to Charter Section 17, an emergency ordinance approving such use is passed by a two-thirds vote of the City Council. (See the attached City Attorney's Report to the Committee on Public Services and Safety, Re: "Establishing a Homeless Shelter in Balboa Park," dated May 14, 1993).

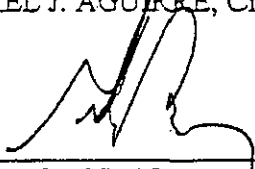
As described in the report, the types of emergency situations that have justified the use of dedicated park land for a temporary homeless shelter have included the aftermath of the 1906 San Francisco earthquake and the return of thousands of war veterans to the Los Angeles Area after World War II. In contrast, a homeless shelter crisis, based on a finding that a significant number of persons within the City are without the ability to obtain shelter and that the weather conditions during the cold weather season result in a threat to the health and safety of those

The Honorable Mayor and City Council
September 7, 2007
Page 2

persons (a situation anticipated by the City each fall), does not rise to the level of an emergency warranting the use of dedicated park land for a temporary homeless shelter pursuant to an emergency ordinance under Charter Section 17.

MICHAEL J. AGUIRRE, City Attorney

By



Michael D. Neumeyer
Deputy City Attorney

MDN:nda

cc: Scott Kessler, Deputy Director, Economic Development Division
Sharon Johnson, Homeless Services Coordinator

THE CITY ATTORNEY
CITY OF SAN DIEGO

John W. Witt

CITY ATTORNEY

CITY ADMINISTRATION BUILDING

202 "C" STREET

SAN DIEGO, CALIFORNIA 92101-3863

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STUART H. SWEIT
SENIOR CHIEF DEPUTY CITY ATTORNEYS

TED BROMFIELD
KENNETH K. SO
HAROLD O. VALDERHAUG
CHIEF DEPUTY CITY ATTORNEYS

May 14, 1993

REPORT TO THE COMMITTEE
ON PUBLIC SERVICES AND SAFETY

ESTABLISHING A HOMELESS SHELTER IN BALBOA PARK

You recently requested a legal opinion as to the legality of providing a temporary shelter for homeless persons in a portion of Balboa Park.

Balboa Park is a dedicated public park and under Section 55 of the City's Charter may be used only for park and recreation purposes. To use dedicated park land for other than a park and recreation purpose would, under section 55, require a two-thirds vote of the electorate approving such nonpark use.

Private residential use is not a proper use of dedicated park land. Passaic v. State, 33 N.J. Super 37, 109 A.2d 294. Therefore, any proposal to use a portion of Balboa Park for private residential use to accommodate otherwise homeless persons would normally require a two-thirds vote of approval by the electorate.

Our understanding is, however, that you feel that the present lack of adequate shelter for homeless persons in San Diego may constitute an "emergency" situation justifying extraordinary action by the City Council.

Section 17 of the City Charter authorizes the City Council to adopt an emergency ordinance in order "to provide for the immediate preservation of the public peace, property, health, or safety, in which the emergency claimed is set forth and defined" in the ordinance. Section 17 further states "no situation shall be declared an emergency by the Council except as defined in this section, and it is the intention of this Charter that compliance with such definition shall be strictly construed by the courts." Section 17 requires a two-thirds vote by the City Council for passage of any emergency ordinance.

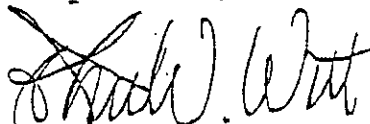
Providing temporary shelter for homeless persons in public parks has occurred in the past in emergency situations. For example, after the 1906 San Francisco earthquake housing facilities were established in various parks and public areas in San Francisco to accommodate homeless persons until housing could be reconstructed. Also, after World War II thousands of war veterans returned to the Los Angeles area and, as there was no housing available to accommodate the veterans, the city allowed temporary housing facilities for the veterans to be established in Griffith Park. The action of the council was challenged and in the case of Griffith v. City of Los Angeles, 78 Cal.2d 796 (1947) the court decided that the housing facilities in the park were justified on the basis that an emergency situation existed and that the use was "temporary." Similarly, in the case of Hvland v. City of Eugene, 179 Or. 567 (1946) the court upheld a temporary veteran housing project in a park in Oregon on the basis of an emergency resulting from an acute housing shortage with the additional condition that the temporary use not "substantially or materially interfere" with the public's use of the park.

It is our opinion that, in the absence of a two-thirds vote of the electorate, establishing a homeless shelter in Balboa Park can be legally justified only if there are substantial and relevant facts to support a finding by the City Council that an emergency situation exists and that it is, therefore, necessary to establish such a shelter in order to protect the public health or safety in accordance with Charter Section 17. In addition, it would be necessary to also show that the proposed use would be "temporary" rather than permanent.

While the word "temporary" is obviously somewhat ambiguous, we note that in both the Griffith case and the Hvland case the proposed "temporary" use upheld by the courts was approximately three years.

If substantial and relevant facts exist to support such a finding by the Council and there is a clear indication that the use will be temporary only, pending some permanent solution to the homeless problem, we feel that a court would uphold a decision of the City Council to establish a temporary shelter for homeless persons in the park.

Respectfully submitted,



JOHN W. WITT
City Attorney


BARRIO STATION

EMBRACING THE COMMUNITY • ABRAZANDO LA COMUNIDAD

Administrative Offices & Barrio Youth Center

2175 Newton Avenue • San Diego, CA 92113

Tel: 619.238.0314 • Fax: 619.238.0331

August 28, 2007

Mayor Jerry Sanders, City of San Diego
 Scott Peterson, President, San Diego City Council
 Councilman Ben Hueso, San Diego City Council District Eight
 Councilmembers Toni Atkins, Tony Young, Jim Madaffer, Brian Mainschein, Donna
 Frye, Kevin Faulkner.
 Doug Sawyer, President & CEO The United Way of San Diego
 Nancy Graham, President & CEO CCDC
 Supervisor Greg Cox, County Board of Supervisors
 Elizabeth Morris, CEO San Diego Housing Commission

Re: Barrio Logan opposition to the 2007 Emergency Homeless Winter Shelter
 Being placed at 1500 Newton Avenue - adjacent to Barrio Logan

Dear Public Officials and Contributors of the Emergency Winter Shelter 2007

Enclosed please find 80 pages of over 500 signatures of Barrio Logan residents, property owners, businesses, employees, church members and community leaders. These signatures represent our disgust and intolerance towards your annual decisions to continuously place your problem emergency shelter project in our community.

As recently as June 2007, the City Council promised to find a permanent site for this project and still you have failed to do so. To the contributors we say, please give responsibly. Your concerted contributions imply that you are funding a county wide, out of county and out of state effort that brings permanent problems to Barrio Logan.

Please respond to me prior to the September 11, 2007 City Council meeting and above all, please do NOT pull a fast one again, in having the council meeting outside of the council chambers, if you intend to do so, we invite you to hold it at the Barrio Station theater. We provide 13 microphones, seating for 350, multimedia projector and screen and a parking lot for 90 vehicles and can get more from the Bank of America across the street.

Please take our opposition seriously. We have suffered enough.. The community continues its' petition drive in opposition to your homeless project site on Newton.

Sinceramente,

Rachael Ortiz, Executive Director

Enclosures: 80 page – over 500 signatures petition

Copy News Statement - news conference August 29, 2007

In Partnership with:

City of San Diego • United Way of San Diego • County of San Diego • The Private Sector

Website: www.barrio-station.org • E-mail: rortiz@barriostation.sdcocmail.com



Administrative Offices & Barrio Youth Center
2175 Newton Avenue • San Diego, CA 92113
Tel: 619.238.0314 • Fax: 619.238.0331

**PRESS CONFERENCE STATEMENT IN OPPOSITION TO THE WINTER 2007-
2008 PLACEMENT OF THE EMERGENCY WINTER HOMELESS SHELTER
PROJECT IN BARRIO LOGAN**

Contact: Rachael Ortiz,
On behalf of the
Community

Telephone: 619-238-0314

Email: rortiz@barriostation.sdcoxmail.com

Location: Barrio Station, 2175 Newton Avenue, San Diego, CA

Time: Wednesday, August 29, 2007 at 9:00 a.m.

**FOR IMMEDIATE DISTRIBUTION
TO THE MEDIA**

Background

Last year, the San Diego City Council voted to place the Emergency Winter Homeless Shelter at the 1500 block of Newton Avenue in Barrio Logan for 2006. They met at night and far away from Barrio Logan at Point Loma Nazarene College to make community participation extremely difficult. During their meeting, the City Council specifically decided that it was not necessary to consider the adverse environmental impacts that the Homeless Shelter Project creates for Barrio Logan between the Christmas season and the spring. They totally ignored how the flood of chronic street people creates dangerous health, safety, and crime related problems for our neighborhood.

Why We Are Meeting Today

On September 11, 2007, the San Diego City Council will meet to decide whether it should accept funding from the County of San Diego, United Way, San Diego Housing Commission and the Center City Development Corporation to fund the 2007-2008 Emergency Winter Homeless Shelter. This should remain as a "separate" motion.

The San Diego City Council may also vote on September 11 to select the 1500 block of Newton Avenue in Barrio Logan as the site to once again dump downtown San Diego's and the County of San Diego's homeless problem on our community. This should also remain as a "separate" motion.

In Partnership with:

City of San Diego • United Way of San Diego • County of San Diego • The Private Sector

Website: www.barrio-station.org • E-mail: rortiz@barriostation.sdcoxmail.com

Barrio Logan residents, property owners, business people and community leaders are soundly united against any action that places the Homeless Shelter in our community yet again. We are particularly offended that the City of San Diego has not considered other sites for this project and that there has been a consistent refusal to specifically study and review the obvious and dangerous environmental impacts to our neighborhood and its families, children, businesses and public facilities like parks, schools, churches and child care facilities.

Our first concern is that, if the City Council holds another out-of-chambers meeting, it should hold it at the Barrio Station in Barrio Logan to listen to the community about the very dangerous and serious flood of street people that will result from the Homeless Shelter project that starts in the winter and ends in the spring. We want this to happen before any vote to accept funding for this project or to vote on where it should be located.

Secondly, we want Mayor Jerry Sanders to use his veto power to check any action on the part of the City Council to dump this project on us yet again. ~~The Mayor made a~~ promise to protect us against this project during a Town Hall meeting in Logan Heights. We want him to stay true to his word.

We will continue with our petition drive to raise our community's consciousness about this issue and present it to our public officials. If necessary, we will take legal action. We are also prepared to physically take over the 1500 block of Newton Avenue if this becomes necessary. We are serious and committed to our struggle to protect Barrio Logan.

In closing, let me say that the City of San Diego supports the Winter Homeless Shelter Project because it is responding to an emergency. The City is not responding to an emergency. It is creating one.

What follows is a summary of the most important points regarding this very important project:

Lack of Proper Hearings and Community Participation

1. Last year, the San Diego City Council approved the Emergency Homeless Shelter during its meeting at Point Loma Nazarene College in Point Loma so the Barrio Logan community could not fully participate in expressing its opinions. The City Council has never held a meeting in Barrio Logan regarding the Homeless Shelter because it knows that the community is 100% against this project. We insist that the September 11, 2007 San Diego City Council to deal with this project be held at the Barrio Station so the residents, property owners and business people from our neighborhood can fully participate. All of the decisions by the City Council regarding this project will severely affect Barrio Logan. They should listen to us and make their meetings accessible. For too many years, the City Council has been dumping the Emergency Homeless Shelter in Barrio Logan. Each time, they claim that they will consider other options for the next year and they don't. It has been too easy for them to keep putting the homeless shelter in Barrio Logan.
- ~~2. Why has the City Council not found a permanent site for the Emergency Winter Homeless Shelter? For the last several years, they have dumped this project in Barrio Logan because we have been patient and trustful. We can no longer trust the City and our patience has run out.~~

The Mayor Has the Right and the Responsibility to the Stop Homeless Shelter

3. Mayor Jerry Sanders said that he would not support locating the Emergency Homeless Shelter on Newton Avenue during his recent Town Hall Meeting in Logan Heights. He sponsored this Town Hall Meeting and was very clear. We urge him to keep his promise by vetoing any City Council that goes against his word. He has the responsibility and the power to stop this project this year before it is too late. Mayor Jerry Sanders was the San Diego Chief of Police. He knows first hand how the chronic street people increase crime in Barrio Logan. Now that he is mayor, he should veto the any action by the San Diego City Council that approves the Emergency Winter Homeless Shelter for Barrio Logan.

The Barrio Logan Mobilization Plan Will
Attack the City's Abuse of Power

4. The Barrio Logan Mobilization Plan will start with educating the neighborhood people and the City Council. We will also ask Mayor Jerry Sanders to veto the project. If we are not successful, we will have to go to court to block this project. If all this fails, we will take over the land that is proposed for the Emergency Winter Homeless Shelter just like the community took over Chicano Park. We have already started a petition in Barrio Logan to stop the Homeless Shelter. Residents, business people, property owners and community leaders are working together to have signed it. We are united in this effort. We are studying the laws that have been used by the San Diego City Council to allow it to open the Homeless Shelter in Barrio Logan without full environmental reviews. We believe that the laws have been abused and that court action will result in our favor.

Degradation of Barrio Logan's Parks

5. The Cesar Chavez Bayfront Park is becoming worse by the day. The emergency homeless shelter will only aggravate the problem between the Christmas season and the spring. We fought so hard to win these parks so now we must defend them any way we can.
6. The Emergency Homeless Shelter is too close to neighborhood facilities that serve children and senior citizens. The shelter and all the problems it brings will only be separated by one block from Perkins Elementary School, three blocks from the MAAC Head Start Program, three blocks from the Paradise Senior Citizen Center four blocks from the Barrio Child Development Center and five blocks from the Barrio Youth Center. Our parents, children and seniors will have suffer from the flood of street people related problems more directly.

7. The chronic street people have already taken over Chicano Park. It is now being called "caca park" by the chronic street people and because of them. The emergency homeless shelter on Newton Avenue will only make matters worse between the Christmas season and the spring. It seems that the Chronic street people mark their new territory with feces and urine to keep parents and children away from Chicano Park. The smells are awful and the sexual activity is offensive. Even the bases of the murals are stained with urine and feces. The City government does not realize that our problems at Chicano Park with street people only get worse with the emergency homeless shelter. Right now it is a steady stream of chronic street people. The so-called emergency homeless shelter turns the problem into a flood for many months. The benches, sandlot and playground at Chicano Park are no longer being used by parents and children from the Barrio. We are now forced to travel to Coronado or Balboa Park to enjoy a picnic or a carne asada. The bathrooms in Chicano Park are disgusting. ~~They stink and look like a hell-hole. Very few people from the neighborhood~~ even dare to go inside. They are also used for drug and sexual activities all the time.
8. The Cesar Chavez Bayfront Park is home to a 300-member youth soccer league. Children are not particularly careful or cautious with the filth that is left behind by the homeless. In fact, children tend to be overly curious when they see things like needles, dirty clothes and blankets. The children are obviously being exposed to diseases, germs, bed bugs, head lice and all sorts of health risks.

Degradation of Freeway Pedestrian Bridges

9. The two pedestrian bridges to walk over the freeway are very important to the neighborhood. We use them to visit friends and family and to go to church. Unfortunately, the bridges are full of trash, stained with urine and used by the chronic street people to sleep, have sex and abuse drugs. The pedestrian bridges are very difficult to police. For this reason, they have become the "shooting galleries" for the street people who are hooked on I.V. drugs. Pretty soon there is going to be a serious altercation on one of the two bridges. The bridges are so narrow that it is difficult to avoid the street people when they intimidate or scare you. On the sidewalks you can at least walk to the other side of the street to avoid them. The bridges are like cages and soon somebody is going to feel trapped and unable to just walk away or run.

Degradation of Streets and Alleys

10. The alleys are extremely dangerous and unhealthy at night. They have become the bathrooms and bedrooms for the street people. When the homeless shelter is in operation, the streets and alleys become the property of the street people and residents have to stay out. A big problem is that the chronic street people surprise you because they try to hide but do not do a very good job at it. Residents get startled and fearful while walking along the sidewalks or alleys because with no warning, you see people sleeping or doing drugs along doorways and between property lines.

Destruction of Private Property

-
- ~~11. The street people use rocks to disable night lights and to tap into the water pipes~~ in landscaped areas to bathe in private property. This makes the Barrio more dangerous at night and less attractive during the day. It is also very expensive and frustrating for property owners. The City seems uncaring about the increased expenses of dealing with the flood of street people that the homeless shelter will bring. Destroying night lights makes the Barrio more unsafe at night. It also increases the tensions between the street people and the Barrio Logan property owners who have to deal with the costs of repairs.

No More Freedom of Movement

12. Many churchgoers walk between their homes and Our Lady of Guadalupe or La Luz del Mundo Churches at all hours of the day and night. They are intimidated and offended by the chronic street people. The mothers who walk with their children in strollers are especially terrified. The thought of the emergency homeless shelter coming again makes them think that the City of San Diego has no regard for the safety of their families. Most parents have stopped entrusting their young children to walk to school in the company of their older siblings because of the chronic street people. Fathers and mothers are forced to drive or personally escort all of their children to school, especially when the homeless shelter is in operation.

Public Health Issues

13. The City of San Diego has never conducted a study to evaluate the public health dangers that are created throughout Barrio Logan by the chronic street people, especially when the homeless shelter is dumped here for so many months. Moreover, the City has never conducted a formal environmental impact report to measure the impact of the emergency winter homeless shelter project specifically, which brings hundreds of street people who will defecate, urinate, toss used condoms, throw away drug needles and engage in sex within Barrio Logan and out in the open.
 14. Many homeless people smear feces along walls. This is especially prevalent at the Chicano Park kiosk, walls with murals and even inside its public restrooms. Children who still play at Chicano Park are obviously exposed to diseases, viruses and infections. ~~The Aztec dancers who practice and perform at the park barefoot~~ are also exposed to needles and the human waste that is left behind by the chronic street people.
-

Crime and Potential for Violence

15. Most of the people in Barrio Logan try to be peaceful with the homeless. Most of the time we feel sorry for them or actually fear them. We know that they have mental problems and/or abuse drugs and alcohol. However, we are hearing more and more about confrontations and fights between residents and the chronic street people who include high numbers of ex-convicts, drug addicts and sex offenders. Pretty soon serious tragedies will result between the residents and the chronic street people because the problems are getting out of control. Many young people in the Barrio are frustrated knowing that their sisters and mothers are afraid of the homeless people. There is more and more talk about fighting with the street people. We denounce violence and want to prevent it. If the emergency homeless shelter comes again, some people will take matters into their own hands and everybody will lose. The reasonable people in the Barrio will use the political and legal systems to fight the unfair placement of the homeless shelter on Newton Avenue once again. Unfortunately, we have frustrated and angry residents who may be inevitably provoked into taking the law into their own hands.

No Consideration of the Impact on Barrio Logan

16. The homeless shelter has severely impacted Barrio Logan for many years. Even so, the City of San Diego continues to ignore what this project specifically does to the residents, business persons and property owners of the neighborhood. By refusing to conduct a full environmental impact report before opening the homeless shelter, the City proves that it does not care about Barrio Logan. Whenever a project is considered for a community many environmental studies and reviews are necessary. In the case of the Emergency Winter Homeless Shelter, there is no review because the City simply says it is reacting to the so-called "emergency" of homelessness in San Diego. The City is not responding to an emergency, it is creating one in Barrio Logan. We demand that the City Council listen to Barrio Logan residents, business persons and property owners about the filth and health and criminal dangers that are made worse by the homeless shelter. The City has never listened to us and it is time for our neighborhood to take a stand now.
-

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NBPL

PAGE 01/02

ATTACHMENT 6



DEPARTMENT OF THE NAVY
NAVAL BASE POINT LOMA
140 SYLVESTER ROAD
SAN DIEGO, CA 92106-3521

IN REPLY REFER TO:

11000

Ser N00P/261

September 18, 2007

The Honorable Jerry Sanders
Office of the Mayor
City Administration Building
202 C Street, 11th Floor
San Diego, CA 92101

**SUBJECT: SITE LOCATION OF THE FY 2008 EMERGENCY ADULT
HOMELESS WINTER SHELTER PROGRAM**

On Tuesday, September 11, 2007, the San Diego City Council considered, but did not resolve, a 200 bed emergency adult homeless shelter on Enterprise Street. The proposal closes the street to vehicular traffic and places the shelter between two parcels of Naval Base Point Loma (NBPL) property that support 2,500 military and civilian personnel, as well as multiple critical government research and development programs.

As Commanding Officer of Naval Base Point Loma, I have significant concerns about this proposal, which was made without prior consultation with the Navy and will have an immediate cost and mission impact to military operations at this location. The following is offered as justification:

1. **Density Loading of Homeless Population.** NBPL already supports, on Navy property and at no cost to the City, a Veterans Village of San Diego (VVSD) 150 bed facility one half mile from the proposed Enterprise Street site. Last year, this facility supported 437 homeless. Using that same ratio of 2.8 homeless per bed, the proposed additional 200 bed facility would add 560 homeless personnel, for a total of almost 1,000 homeless within a mile radius centered on highly sensitive military research and development facilities. This density of an indigent population could have significant impacts on military operations and security.
2. **Security Cost to the Navy.** The Old Town Complex of NBPL has 70 acres in the Midway area. Over 1,200 of the 2500 Old Town Complex government employees travel by foot, often after dark, across the Pacific Highway overpass, past Enterprise Street, to Navy owned parking and storage lots. NBPL estimates that a minimum of three additional contract guards will be required to secure the parking areas, provide requested escort for employees and secure sensitive government equipment. This would result in approximately \$166,000 cost to the Navy during the 154 day period of the shelter.

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NBPL

PAGE 02/02

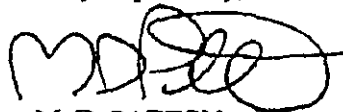
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Ser N00P/261
September 18, 2007

3. **Traffic Impacts to Naval Base Point Loma.** The staff report to City Council states that traffic engineering found the Enterprise Street location as acceptable. However, since Enterprise Street feeds directly into the only access for Old Town Complex of NBPL, we question the accuracy of this assumption. Additionally, planned City water main repairs will significantly disrupt traffic flow along Pacific Highway, adjacent to the Old Town Complex, another variable not considered by the staff report. It is our estimate that closing Enterprise Street will increase the morning and evening backup on Pacific Highway, requiring NBPL to open a second gate to relieve congestion, at a cost of approximately \$75,000 for the 154 day period. Such actions may also represent an increased force protection risk, since secondary gates may not have all security features of our main entrance.

4. **Significant increase in San Diego Police Department (SDPD) support.** It is estimated that 25% of all calls last year for SDPD support concerning the VVSD Homeless Shelter went unanswered due to lack of SDPD resources. However, since the VVSD shelter is on the far end of the NBPL-GTC facility, the impact by lack of police response was manageable. The Enterprise Street proposal places an even larger shelter directly in the middle of NBPL operations. Because the Navy has no jurisdiction outside of federal property, we would be forced to aggressively report all observed infractions in the immediate vicinity of the base.

I have been a strong supporter of the City in addressing the homeless population problem. In fact, it was NBPL that proposed to end the annual public debate over the Midway VVSD shelter and establish a longer term, five year commitment for Navy property to support City and VVSD shelter planning. But I am concerned that a proposal for a second shelter adjacent to the VVSD site is not consistent with that cooperative agreement. Additionally, the City staff has forwarded a recommendation to the City Council that is incomplete and clearly fails to address potential impacts to Naval Base Point Loma - the largest employer, economic contributor and land owner in San Diego District 2. Without these considerations, the City Council may approve a project that directly impacts Navy personnel and base security, has minimal actual impact on increasing long-term homeless accommodations, and costs the federal taxpayer over \$241,000 a year.

Very respectfully,



M. D. PATTON
Captain, U. S. Navy
Commanding Officer

LEASE

THIS LEASE, dated for reference purposes as of _____, 2006 (to be effective March 10, 2004), between The REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, a public body, corporate and politic, hereinafter "Lessor" and PADRES L.P., a Delaware limited partnership, hereinafter "Lessee", WITNESSETH:

Lessor, for the consideration hereinafter set forth, hereby leases to Lessee for the term and upon the conditions hereinafter set forth, a portion of lands more particularly described on Exhibit "A" attached hereto, hereinafter "Leased Premises".

TO HAVE AND TO HOLD said Leased Premises for the term of the Lease and upon the conditions as follows:

1. **TERM:** The term of this Lease shall be for a period of thirty (30) years (the "Term"), commencing on the date that Lessee first conducts business with the general public on the Leased Premises, said date being March 10, 2004, hereinafter called the "Commencement Date," and ending thirty (30) years thereafter, hereinafter called the "Termination Date," unless sooner terminated as provided herein; provided, however, that this Lease shall, in all events, be coterminous with the JUMA (as defined in Paragraph 10 herein).

2. **USE:** Lessee agrees that the Leased Premises shall be used only for the following purposes:

2.1 **EVENT DAYS:** On Event Days (defined below), the Leased Premises shall be used only and exclusively for Public Parking and for parking for employees and invitees of Padres L.P. or any successor owner of the Major League Baseball San Diego franchise ("Padres Parking").

2.2 **NON-EVENT DAYS:** On days other than Event Days ("Non-Event Days"), the Leased Premises may be used for Public Parking, Padres Parking and Non-Public Parking Uses.

2.3 **DEFINITIONS:** The following definitions apply to Paragraph 2:

- (a) The term "Event Day" means (i) any day on which any Major League Baseball sponsored exhibition, regular season or post-season game or any Major League Baseball All-Star game is played in the San Diego Padres Ballpark in downtown San Diego, California ("Ballpark"), and (ii) up to ten (10) additional days during each calendar year, designated by Lessee ("Padres' Event").
- (b) The term "Non-Public Parking Uses" means any use, other than Public Parking and Padres Parking, that Lessee permits pursuant to licenses over a portion of the Leased Premises to third parties. Notwithstanding any other provision of this Lease, Non-Public Parking Uses of the Leased Premises during the Term shall be subject to the following limitations:

- (1) Non-Public Parking Uses shall not be permitted unless Lessee has obtained Lessor's prior written consent. Lessor shall not unreasonably withhold or delay such consent; provided that, however, in no event shall it be considered unreasonable for Lessor to withhold its consent if the proposed Non-Public Parking Use interferes with the use of the Leased Premises for Public Parking on Event Days; and
- (2) Non-Public Parking Uses shall not materially alter or damage the Leased Premises.
- (c) The term "Public Parking" means the sale of vehicle parking to the general public and Padres employees and invitees. The rates for Public Parking and Padres Parking may be set at different rates during different periods as the Lessor and Lessee, or other operator, may agree; however, the rates for Padres Parking on a monthly basis shall be at commercially reasonable rates. There will be no parking validation agreements or other arrangements which result in reducing Rents described in Paragraph 4.

2.4 ACCESSORY USES DURING EVENT DAYS: Notwithstanding the foregoing, during Event Days, the following accessory uses are permitted on the Leased Premises, provided that they do not materially interfere with or reduce the availability of Public Parking or the circulation of vehicles through the Leased Premises: (i) the sale of souvenirs, food and beverages, and other items normally considered "concessions;" (ii) the sale of advertising; and (iii) promotional activities by the media or sponsors of the San Diego Padres Baseball Club (the "Team"), Major League Baseball, or a Padres' Event.

3. SCHEDULING: Throughout the Term, Lessee shall establish, maintain, update and deliver to Lessor a master calendar of Event Days. Lessee and Lessor's Executive Director or designee shall meet throughout the Term, with such frequency as they may mutually and reasonably agree, to discuss the master calendar and all Lessee requests for the scheduling of Non-Public Parking Uses of the Leased Premises. At any time and from time to time throughout the Term, Lessee may propose in writing to Lessor that Non-Public Parking Uses be scheduled and permitted on the Leased Premises. Lessor shall review such requests by Lessee in accordance with Paragraph 2 and 3 of this Lease. If Lessor agrees to the proposed Non-Public Parking Use of the Leased Premises, Lessee may grant a license to the third party for the purpose of using a portion of the Leased Premises. The terms and conditions of the license shall be determined by Lessee in its reasonable discretion. Lessee and Lessor shall reasonably agree as to the fee charged to a licensee granted a Non-Public Parking Use and such fees shall be paid to Lessee and shall constitute Gross Revenues described in Paragraph 4(e). Such licensees, as a condition to entry upon the Leased Premises, shall provide such indemnities and evidence of insurance coverage (including insurance coverage for Lessor, Lessee and their agents) as reasonably required by Lessor and Lessee.

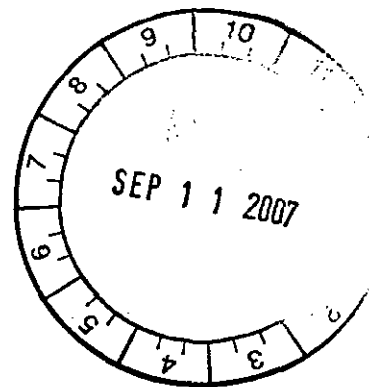
4. RENT: Lessee agrees to pay to Lessor rent in accordance with the following:

- (a) From the Commencement Date to the day prior to the Ballpark Opening Date, the rent payable shall be fifty percent (50%) of Net Revenues derived from the




COUNCILMEMBER BEN HUESO
City of San Diego
Eighth District

MEMORANDUM



DATE: September 11, 2007

TO: Mayor Jerry Sanders
All Council Members

FROM: Council Member Ben Hueso 

SUBJECT: Item 330 – Location of Emergency Winter Shelter

As policymakers, we have supported laws in the past that protect children from potential harm. We enacted local law which prohibits an alcoholic beverage outlet from being within 600 feet from a school¹. We also enacted law that prohibits an adult entertainment business from being within 1000 square feet from a school². Yesterday, we unanimously supported a policy to regulate businesses that potentially could sell tobacco to minors.

Proposition 83 was overwhelmingly passed by the voters to prevent children from sexual predators³. In part, the law requires sex offenders to live at least 2000 square feet from a school and other places where children regularly congregate.

Today, we are asked to select one out of three locations to place the City's emergency shelter. The minimum requirements make no mention of any consideration of public safety and protection of children⁴. We don't know how many criminals and, especially, sexual predators, are among the homeless individuals admitted to the emergency shelter. We do know by speaking to teachers and parents that the homeless individuals engage in indecent sexual acts in and around the homeless shelter.

Along with the minimum staff requirements considered in selecting a location, such as distance and disruptions to neighborhoods, I would like to add that this homeless shelter cannot be within 2000 sq. ft from a school.

The motion I will be making today is as follows: **Direct the Mayor to come back to the Council with one location, making the 2000 sq. ft requirement part of the selection criteria.**

I thank you for your support and ask you to put kid's safety first.

¹ San Diego Municipal Code Section 141.0502(b)

² San Diego Municipal Code Section 141.0601

³ Passed November 7, 2006 by 70.5% in support of Proposition 83

⁴ Memo from Gary Jones, Asset Manager, READ, dated 8/29/07 (see Attachment 1)



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: Sept. 5, 2007 REPORT NO: 07-138

ATTENTION: Council President and City Council
Docket of Sept. 11, 2007

SUBJECT: Site Location for the Single Adult Shelter -
FY 2008 Homeless Emergency Winter Shelter Program

REFERENCE: None.

REQUESTED ACTION:

- Designate a location for the FY 2008 Homeless Emergency Winter Shelter Program's Single Adult Program from the following alternatives sites:
 - the Ex-Navy Hospital lower parking lot (at Balboa Park)
 - Enterprise Street between Jessop Lane and Midway Boulevard (Pt. Loma)
 - 16th Street at Newton Avenue (Downtown San Diego)

STAFF RECOMMENDATIONS:

Approve one of the three options for the location of the FY 2008 Homeless Emergency Winter Shelter Program's Single Adult Program.

SUMMARY:

The City's Single Adult Program of the FY 2008 Homeless Emergency Winter Shelter Program provides shelter during the colder, wetter months of the year. Alpha Project for the Homeless has operated the Program for the past 4 years, and will again this fiscal year. In addition to the City's 120 day program, Alpha Project has asked to provide an additional 34 days of shelter through their fund-raising efforts. Therefore, the total days of operation for single adults will be 154 days (November 1, 2007 through April 2, 2008) and will serve 200 homeless men and women each night.

Homeless Services was requested to pursue alternative locations for the Single Adult Program with Real Estate Assets Department (READ). READ completed a property search to identify potential locations. After identifying and evaluating twelve (12) sites, nine (9) were eliminated as unsuitable and three (3) were seen as viable possibilities. The following minimum requirements were used to evaluate potential sites for relocation of the Single Adult Program's homeless shelter sprung structure:

- The footprint of the single adults' shelter sprung structure is 60' x 180'. For purposes of conducting shelter operations, an area of 75' (width) x 760' (length), or larger of paved, flat, relatively level space to accommodate the needed infrastructure for sanitation, food service and medical support;
- Proximity (easy walking distance) to public transportation or mass transit;
- Availability of electrical and water hookups;
- Near "core City area"; and
- Minimal disruption to the surrounding area.

Real Estate Assets evaluated the following sites for potential location of the Single Adult Shelter as seen in *Attachment 1*.

The following sites were identified to be physically suitable for siting the single adult shelter structure:

<u>SITE CODE</u>	<u>LOCATION</u>	<u>SUITABILITY</u>
R402	Ex-Navy Hospital Parking Lot	Lower lot physically suitable
Street	Enterprise Street	Site used in 1987 for veterans
	(between Jessop and Midway across from the Midway Post Office)	
Street	16 th Street at Newton Avenue	Previously Used

The following sites have been evaluated using the stated minimum requirements and were determined to not be physically suitable:

<u>SITE CODE</u>	<u>LOCATION</u>	<u>SUITABILITY</u>
Q537	NE Cnr El Cajon Blvd/Central	Too small, even including alley
Q331	Hancock / Witherby Streets	Site too narrow at one point
Q413	Kettner / California Street	Triangular, too small
Street	Bean Street Cul-de-sac	Too narrow, only 50 feet
N309	Garnet / Morena Blvd	Unpaved, far from core area
R406	SW Cnr State / Laurel Street	Unpaved, drastic elevation changes

The following sites have been previously evaluated or actually used for the sprung structure:

<u>SITE CODE</u>	<u>LOCATION</u>	<u>SUITABILITY</u>
Q320	IPayOne Arena (Sports Arena)	Need lessee permission
P517	Qualcomm Stadium Lot	Far from core City area
N/A	Navy Storage yard /Sports Arena	Use denied
N/A	Midway Post Office Lot	Previously used

The Transportation Engineering Division reviewed ¼ mile radius around the street addresses of service providers that either provide meals or other services to homeless as seen in *Attachment 2*. The review considered the impact of locating the shelter's sprung structure (tent) within the public right of way by reviewing the following: street width and traffic impacts including accessibility for fronting property, impacts from street closure and traffic detours.

Traffic Engineering determined that both the Enterprise Street between Midway Drive and Pacific Highway and 16th Street at Newton Avenue were acceptable locations.

For the following locations within ¼ mile radius of the address noted below, Traffic Engineering found no area that could be closed to traffic without significant impacts to the traffic:

1. 299 17th Street – Neil Good Day Center
2. 469 16th Street – God's Extended Hands Ministries
3. 825 Seventh Avenue – Salvation Army
4. 1501 Imperial Avenue – St. Vincent de Paul's Village
5. 4141 Pacific Highway – Veteran's Village of San Diego
6. 1111 Imperial Avenue
7. 4101 University Avenue – Coalition for the Homeless
8. 4101 30th Street

For the three sites that were noted as being physically suitable for the single adult shelter's sprung structure and corresponding services, a collaboration of City staff from Homeless Services, General Services, Water Department, and Transportation Department's Streets and Electrical Divisions did site evaluations to determine infrastructure capacity. These findings are presented for consideration:

Site Features	Newton Avenue at 16th Street	Enterprise Street at Midway Blvd.	Lower Parking Lot at Park Blvd & President's Way
Shelter i.e. tent structure	Yes	Yes	Yes
Dinner delivery	Yes	Yes	Yes
Emergency vehicle access	Yes	Yes	Some street closures due to special events
Showers, restrooms, etc.	Yes	Yes	Yes
Onsite health screenings	Yes	Yes	Yes
Onsite crisis intervention	Yes	Yes	Yes
Onsite health case mgmt.	Yes	Yes	Yes
Onsite healthcare follow-up	Yes	Yes	Yes
Proximity to existing County and other Social Services	Excellent	Fair	Poor
Access to lunch meal	Yes	No	No
Proximity to community clinics	Excellent	Fair	Poor

	Newton Avenue at 16th Street	Enterprise Street at Midway Blvd.	Lower Parking Lot at Park Blvd & President's Way
Access for people with limited mobility	1 block from public transportation to program site	1 block from public transportation to program site	¼ mile to program site
Infrastructure Evaluation	Water and electrical connections available	Water and electrical connections available, but would require additional SDGE assessment	Water available but no electrical Connection (Circus uses generators)
Drainage during rain	Occasional pooling during rains	Flooding into the tent during rains per Veteran Village of SD (VVSD)	Elevations may create increased likelihood of flooding during rains
Conflict with Community events	None	None	Parking overflow for over-flow parking for events such as December Nights
Community Impact	<ul style="list-style-type: none"> • 2 blocks from a school • Proximity to businesses • Proximity to Ballpark 	<ul style="list-style-type: none"> • ½ mile from veteran's program site • Proximity to businesses 	<ul style="list-style-type: none"> • Increased homeless in Balboa Park impacting visitors

FISCAL IMPACT:

There is no impact to the General Fund from this action. However, additional infrastructure costs would result in the need to adjust the designated line items included in the existing FY 2008 Homeless Emergency Winter Shelter Program budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

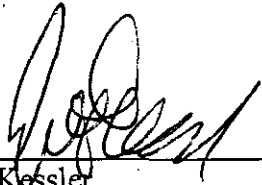
None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:


None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Impacts on residents, schools and businesses from additional homeless in the areas of: Residents and businesses in East Village community, residents, businesses in the Midway area and visitors to Balboa Park.



Scott Kessler
Deputy Director
Economic Development Division



William Anderson
Acting Deputy Chief Operating Officer
Land Use and Economic Development

Attachments: (1) Memo from Real Estate Assets on Sites Reviewed for Winter Homeless Shelter Location dated August 29, 2007
(2) Memo from Traffic Engineering Division on Potential Sites for Relocation of Homeless Shelter dated June 19, 2007.



THE CITY OF SAN DIEGO
MAYOR JERRY SANDERS

MEMORANDUM

DATE: August 29, 2007

TO: Abby Jarl, Policy Associate, Office of the Mayor

FROM: Gary Jones, Asset Manager, Real Estate Assets Department

SUBJECT: Sites Reviewed for Winter Homeless Shelter Location

The sites described below have been evaluated using the following minimum requirements provided to READ:

- 75 x 760 feet or greater, paved, flat, level or very close;
- Proximity (easy walking distance) to public transportation or mass transit (bus, trolley, shuttle);
- Availability of electricity, water and sewer hookups;
- Security fence (may be City-supplied);
- Near "core City area";
- Not disruptive to neighborhood;

<u>SITE</u>	<u>LOCATION</u>	<u>POTENTIAL SUITABILITY</u>
A	NE Cnr El Cajon Blvd/Central	Too small, even including alley
B	Hancock / Witherby Streets	Site too narrow at one point
C	Kettner / California Street	Triangular, too small
D	Bean Street Cul-de-sac	Too narrow, only 50 feet
E	Garnet / Morena Blvd	Unpaved, far from core area
F	SW Cnr State / Laurel Street	Unpaved, drastic elevation changes
G	Ex-Navy Hospital Parking Lot	Lower lot physically suitable
H	Sports Arena	Need lessee permission
I	Qualcomm Stadium Lot	Far from core City area
J	Navy Storage Yard /Sports Arena	Use denied
L	16 th & Newton	Previously used
K	Midway Post Office Lot	Previously used
M	Enterprise Street	Previously used

The attachment provides further details for each site along with photographs and an aerial map. If you have any questions regarding the sites reviewed, please contact Bert Gaudio, Property Agent, at 236-6063.



Gary Jones

GJ

Attachments: Backup Information, photographs and aerial map

cc: David Sandoval, Deputy Director, Real Estate Assets
Sharon Johnson, Homeless Coordinator

ATTACHMENT 2

CITY OF SAN DIEGO
M E M O R A N D U M

DATE: June 19, 2007

TO: Abby Jarl, Policy Associate, Office of the Mayor

FROM: Deborah Van Wansele, Deputy Director, Transportation Engineering Division

SUBJECT: Potential Sites for Relocation of Homeless Shelter

We have reviewed your list of suggested areas for location of the 2007 Homeless Emergency Winter Shelter. Our review considered street width and traffic impacts, including accessibility for fronting properties and impacts from street closure and traffic detours. We determined that both Enterprise Street between Midway Dr and Pacific Highway, and 16th Street at Newton Street are acceptable locations.

We reviewed the following locations within ¼ mile radius of the given address. We found no area that could be closed to traffic without significant impacts to traffic, other than those mentioned above.

1. 299 17th Street
2. 469 16th Street
3. 825 Seventh Avenue
4. 1501 Imperial Avenue
5. 4141 Pacific Highway
6. 1111 Imperial Avenue
7. 4101 University Avenue
8. 4101 30th Street

If you have any questions, please contact me at (619) 533-3012.



Deborah Van Wansele

DRH:sg